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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/964,985	09/26/2001	Andrew Fertlitsch	SLA1004	2966
52804 7590 08/05/2008 KRIEGER INTELLECTUAL PROPERTY, INC. P.O. BOX 1073 CAMAS, WA 98607				
EXAMINER DULANEY, BENJAMIN O				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/964,985

Applicant(s)

FERTLITSCH ET AL.

Examiner

BENJAMIN O. DULANEY

Art Unit

2625

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 May 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response to Arguments

Applicant's arguments filed 5/2/2008 have been fully considered but they are not persuasive.

Regarding applicant's argument for claim 1 that Takahashi does not "deal with spool data at all" and does not teach "determining portions of spool data to be distributed to different printing devices", examiner disagrees. "Spool data", as is well-known in the art, refers merely to stored data that is to be transmitted/read-out to a printing device and does not confer any specific meaning as to what format the data is in when spooled. Therefore the PDF data in Takahashi that is spilt up and distributed through different RIP's to various output devices could be interpreted as "spool data" since it is, at least temporarily, stored and awaits processing and output to the printing devices. In view of this interpretation, Takahashi certainly teaches distributing portions of the "spool" data to different printing devices (column 25, lines 35-49). Takahashi also teaches "parallel playback" (i.e. de-spooling) of the spool data because the spooled data is sent to multiple destinations when de-spooled (column 25, line 20-49; column 29, line 21 – column 30, line 13). Therefore Takahashi teaches the disputed features and the rejection stands.

Regarding applicant's argument for claim 4, that Sakaguchi does not teach only allowing selection of printing devices with capabilities that match requirements, examiner disagrees. As seen in figure 3, Sakaguchi's feature of "inhibit output of group" allows selection of only the devices with "two faces" printing (printer 3-1 and 3-2 are

selected), while the printers with only "one face" capability are not selected. Hence the selection of the group by the user causes only the printers with the correct capabilities to print, and not allowing the printers with insufficient capabilities to print. Therefore the insufficient printers are not selected and the feature of "prompting only allows selection of printing devices with capabilities that match requirements" is taught.

Regarding applicant's argument for claim 20, that Takeoka does not teach a determination of printing device's disk storage capacity, examiner disagrees. Takeoka teaches in previously cited column 10, lines 5-8 the determination of storage capacities for all of the different memories of the printer, not just the buffer. Even if the buffer was the sole memory taught, Takeoka would still render the determination of disk storage capacity obvious since both buffer and disk are memories with the same basic purpose and their differing uses have no effect on the determination of its capacity. Therefore the rejection stands.

All other arguments are believed to have been addressed by examiner's response to arguments for claim 1.

Information Disclosure Statement

The information disclosure statement (IDS) submitted on 7/22/08 is noted. Examiner requests applicant to specifically identify any references in the submitted IDS that applicant considers particularly pertinent to the present application.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

- 1) Claims 1-3, 7 and 8 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. patent 6,985,245 by Takahashi.
- 2) Regarding claim 1, Takahashi teaches a method for distributing a print task among a plurality of printing devices, said method comprising: receiving a print task at a print system component; receiving user input comprising a cluster printing selection at said print system component, wherein said selection identifies specific printing devices and communicates a specific quantity of printing devices (Column 22, lines 30-37; Figure 20); combining said print task with said cluster printing selection thereby creating driver-dependent data; transmitting said driver-dependent data to a printer driver; creating spool data from said driver-dependent data (Column 29, lines 21 – Column 30, line 14); determining portions of said spool data to be distributed to each of said specific printing devices (Column 29, lines 21 – Column 30, line 14); distributing said portions of said spool data among said specific printing devices with said print system component, said distributing comprising concurrent parallel playback of said portions of said spool data, to each of said specific printing devices (Column 25, lines 20-49).

- 3) Regarding claim 2, Takahashi teaches the method of claim 1 wherein said determining comprises job splitting (Column 25, lines 35-49).
- 4) Regarding claim 3, Takahashi teaches the method of claim 1 wherein said determining comprises copy splitting (Column 25, lines 50-61).
- 5) Regarding claim 7, Takahashi teaches the method of claim 1 further comprising querying at least one printing device to determine at least one of its capabilities (Column 20, lines 20-37).
- 6) Regarding claim 8, Takahashi teaches the method of claim 1 further comprising querying at least one printing device to determine its availability (Column 20, lines 20-37).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

- 7) Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. patent 6,985,245 by Takahashi, and further in view of U.S. Patent 7,139,085 by Sakaguchi.

Takahashi does not specifically teach the method of claim 1 further comprising determining printer capability data and prompting a user for said cluster printing

selection, wherein said prompting only allows selection of printing devices with capabilities that match requirements of said print task.

Sakaguchi teaches the method of claim 1 further comprising determining printer capability data and prompting a user for said cluster printing selection, wherein said prompting only allows selection of printing devices with capabilities that match requirements of said print task (Column 4, lines 6-19).

Takahashi and Sakaguchi are combinable because they are both from the distributed printing field of endeavor.

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine Takahashi and Sakaguchi to add only allowing selection of printing devices with proper capabilities. The motivation for doing so would have been to avoid selecting printers that do not have the functions desired by the user (Column 4, line 13). Therefore it would have been obvious to combine Takahashi with Sakaguchi to obtain the invention as specified by claim 4.

8) Claims 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. patent 6,985,245 by Takahashi and further in view of U.S. Patent 7,139,085 by Sakaguchi, and further in view of U.S. Patent 5,287,194 by Lobiondo.

Takahashi does not teach the method of claim 4 wherein said printer capability data comprises a rate at which said printing devices prints pages.

Lobiondo teaches the method of claim 4 wherein said printer capability data comprises a rate at which said printing devices prints pages (column 3, line 68 - column 4, line 3).

Takahashi and Lobiondo are combinable because they are both from the distributed printing field of endeavor.

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine Takahashi and Lobiondo to add determining a rate of printing speed. The motivation for doing so would have been to provide "optimum scheduling" (Column 2, line 41). Therefore it would have been obvious to combine Takahashi with Lobiondo to obtain the invention as specified by claim 5.

9) Claims 6, 9-13, 15, 16, 18, 19, 23 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. patent 6,985,245 by Takahashi, and further in view of U.S. Patent 5,287,194 by Lobiondo.

10) Regarding claim 6, Takahashi does not teach the method of claim 1 wherein said determining comprises dividing said print task among said specific printing devices according to the speed of each of said specific printing devices.

Lobiondo teaches the method of claim 1 wherein said determining comprises dividing said print task among said specific printing devices according to the speed of each of said specific printing devices (column 4, lines 52-54).

Takahashi and Lobiondo are combinable because they are both from the distributed printing field of endeavor.

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine Takahashi and Lobiondo to add determining a rate of printing speed. The motivation for doing so would have been to provide "optimum scheduling" (Column 2, line 41). Therefore it would have been obvious to combine Takahashi with Lobiondo to obtain the invention as specified by claim 6.

11) Regarding claim 9, Takahashi does not teach the method of claim 1 wherein said determining comprises dividing said print task, when said print task comprises multiple copies of a print job, into sets of copies of said print job, each of said sets comprising a number of copies substantially proportional to the number of pages per minute (PPM) each of said specific printing devices printer can print.

Lobiondo teaches the method of claim 1 wherein said determining comprises dividing said print task, when said print task comprises multiple copies of a print job, into sets of copies of said print job, each of said sets comprising a number of copies substantially proportional to the number of pages per minute (PPM) each of said specific printing devices can print (column 4, lines 58-64; column 5, lines 45-62).

Takahashi and Lobiondo are combinable because they are both from the distributed printing field of endeavor.

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine Takahashi and Lobiondo to add determining a rate of printing speed. The motivation for doing so would have been to provide "optimum scheduling" (Column 2, line 41). Therefore it would have been obvious to combine Takahashi with Lobiondo to obtain the invention as specified by claim 9.

12) Regarding claim 10, Takahashi does not teach the method of claim 1 wherein said determining comprises dividing said print task, when said print task comprises multiple and distinct print jobs, into sets of distinct print jobs, each of said sets comprising a number of pages substantially proportional to the number of pages per minute (PPM) each of said specific printing devices can print.

Lobiondo teaches teach the method of claim 1 wherein said determining comprises dividing said print task, when said print task comprises multiple and distinct print jobs, into sets of distinct print jobs, each of said sets comprising a number of pages substantially proportional to the number of pages per minute (PPM) each of said specific printing devices can print (column 4, lines 58-64; column 5, lines 9-12).

Takahashi and Lobiondo are combinable because they are both from the distributed printing field of endeavor.

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine Takahashi and Lobiondo to add determining a rate of printing speed. The motivation for doing so would have been to provide "optimum scheduling" (Column 2, line 41). Therefore it would have been obvious to combine Takahashi with Lobiondo to obtain the invention as specified by claim 10.

13) Regarding claims 11, 18, 23 and 24, Takahashi teaches a method for distributing a print task among a plurality of printing devices, said method comprising: receiving a print task at a print system component; receiving user input comprising a cluster printing selection at said print system component, wherein said selection identifies specific printing devices and communicates a specific quantity of printing devices (Column 22,

lines 30-37; Figure 20); combining said print task with said cluster printing selection thereby creating driver-dependent data; transmitting said driver-dependent data to a printer driver; creating spool data from said driver-dependent data (Column 29, lines 21 – Column 30, line 14); determining portions of said spool data to be distributed to each of said specific printing devices (Column 29, lines 21 – Column 30, line 14); despooling further comprises concurrent parallel playback of spool data to print drivers corresponding to each of said specific printing devices (Column 25, lines 20-49).

Takahashi does not specifically teach determining the output capacity of said specific printing devices; and despooling said spool data in accordance with said cluster printing selection wherein said despooling comprises distribution of said print task to said specific printing devices in substantial proportion to each of said specific printing device's output capacity.

Lobiondo teaches determining the output capacity of said specific printing devices; and despooling said spool data in accordance with said cluster printing selection wherein said despooling comprises distribution of said print task to said specific printing devices in substantial proportion to each of said specific printing device's output capacity (column 4, lines 58-64; column 5, lines 45-62).

Takahashi and Lobiondo are combinable because they are both from the distributed printing field of endeavor.

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine Takahashi and Lobiondo to add determining a rate of printing speed. The motivation for doing so would have been to provide "optimum

scheduling" (Column 2, line 41). Therefore it would have been obvious to combine Takahashi with Lobiondo to obtain the invention as specified by claim 11.

14) Regarding claim 12, Takahashi does not teach the method of claim 11 wherein said determining the output capacity comprises querying a local printer through a system bus.

Lobiondo teaches the method of claim 11 wherein said determining the output capacity comprises querying a local printer through a system bus (column 4, lines 16-64).

Takahashi and Lobiondo are combinable because they are both from the distributed printing field of endeavor.

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine Takahashi and Lobiondo to add determining a rate of printing speed. The motivation for doing so would have been to provide "optimum scheduling" (Column 2, line 41). Therefore it would have been obvious to combine Takahashi with Lobiondo to obtain the invention as specified by claim 12.

15) Regarding claim 13, Takahashi teaches the method of claim 11 wherein said determining the output capacity comprises querying a network printer using a network communications protocol (Column 24, lines 19-37).

16) Regarding claim 15, Takahashi does not teach the method of claim 11 wherein said determining the output capacity comprises accessing a printer attribute registry.

Lobiondo teaches the method of claim 11 wherein said determining the output capacity comprises accessing a printer attribute registry (column 3, line 68 – column 4, line 3).

Takahashi and Lobiondo are combinable because they are both from the distributed printing field of endeavor.

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine Takahashi and Lobiondo to add determining a rate of printing speed. The motivation for doing so would have been to provide “optimum scheduling” (Column 2, line 41). Therefore it would have been obvious to combine Takahashi with Lobiondo to obtain the invention as specified by claim 15.

17) Regarding claim 16, Takahashi teaches the method of claim 11 wherein said print system component comprises a print processor (Figure 1).

19) Regarding claim 19, Takahashi does not teach the method of claim 18 wherein said throughput comprises a printer's speed in PPM.

Lobiondo teaches the method of claim 18 wherein said throughput comprises a printer's speed in PPM (column 4, lines 58-64).

Takahashi and Lobiondo are combinable because they are both from the distributed printing field of endeavor.

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine Takahashi and Lobiondo to add determining a rate of printing speed. The motivation for doing so would have been to provide “optimum

scheduling" (Column 2, line 41). Therefore it would have been obvious to combine Takahashi with Lobiondo to obtain the invention as specified by claim 19.

20) Claims 14 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Takahashi (as modified by Lobiondo) as applied to claim 11 above, and further in view of U.S. Patent 6,049,394 by Fukushima.

21) Regarding claim 14, Takahashi does not teach the method of claim 11 wherein said determining the output capacity comprises querying a printer driver.

Fukushima teaches the method of claim 11 wherein said determining the output capacity comprises querying a printer driver (column 17, lines 1-9).

Takahashi and Fukushima are combinable because they are from the printer-networking field of endeavor.

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Takahashi by Fukushima to estimate capabilities. The motivation for doing so would have been to determine "that the printing speed can be followed"(column 17, line 8). Therefore it would have been obvious to combine Takahashi to obtain the invention as specified in claim 14.

22) Regarding claim 17, Takahashi does not teach the method of claim 11 wherein said determining the output capacity comprises estimating the capability of some of said multiple printing devices.

Fukushima does teach determining the output capacity comprising estimating the capability of some of said plurality of printing devices (column 17, lines 1-9).

Takahashi and Fukushima are combinable because they are from the printer-networking field of endeavor.

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Takahashi by Fukushima to estimate capabilities. The motivation for doing so would have been to determine "that the printing speed can be followed"(column 17, line 8). Therefore it would have been obvious to combine Takahashi with Fukushima to obtain the invention as specified in claim 17.

23) Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Takahashi (as modified by Lobiondo) as applied to claim 18 above, and further in view of U.S. Patent 6,665,082 by Takeoka et al.

Takahashi does not teach the method of claim 18 wherein output capacity comprises a determination of a printing device's disk storage capacity.

Takeoka does teach the method of claim 18 wherein output capacity comprises a determination of a printing device's disk storage capacity (Column 3, lines 11-25; Column 9, line 66 – Column 10, line 13).

Takeoka and Takahashi are combinable because they are from the same art of printer networking.

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Takahashi by Takeoka to determine output capacity comprising determination of printing storage capacity. The motivation for doing so would have been to "determine the amount of image data included in a packet" (Column

3, line 18). Therefore it would have been obvious to combine Takahashi and Takeoka to obtain the invention as specified in claim 20.

24) Claims 21 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Takahashi (as modified by Lobiondo) as applied to claim 18 above, and further in view of U.S. Patent 6,891,632 by Schwartz.

25) Regarding claim 21, Takahashi does not teach the method of claim 18 wherein a determination of said output capacity comprises an analysis of a printing device's rasterization pipeline.

Schwartz does teach the method of claim 18 wherein a determination of said output capacity comprises an analysis of a printing device's rasterization pipeline (Column 3, lines 3-22; Column 10, lines 1-10).

Schwartz and Takahashi are combinable because they are from the same art of printing.

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Takahashi by Schwartz to analyze a printing device's rasterization pipeline. The motivation for doing so would have been to "utilize available resources most effectively" (Column 3, lines 29-30). Therefore it would have been obvious to combine Takahashi with Schwartz to obtain the invention as specified in claim 21.

26) Regarding claim 22, Takahashi does not teach the method of claim 18 wherein a determination of said output capacity comprises an evaluation of alternative rasterization methods and a selection of the fastest method for a specific print task.

Schwartz does teach the method of claim 18 wherein a determination of said output capacity comprises an evaluation of alternative rasterization methods and a selection of the fastest method for a specific print task (Column 3, lines 3-22; Column 10, lines 1-10; Column 3, lines 29-30).

Schwartz and Takahashi are combinable because they are from the same art of printing.

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Takahashi by Schwartz to analyze a printing device's rasterization pipeline. The motivation for doing so would have been to "utilize available resources most effectively" (Column 3, lines 29-30). Therefore it would have been obvious to combine Takahashi with Schwartz to obtain the invention as specified in claim 22.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to BENJAMIN O. DULANEY whose telephone number is (571)272-2874. The examiner can normally be reached on Monday - Friday (10am - 6pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Moore can be reached on (571)272-7437. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Art Unit: 2625

/Benjamin O Dulaney/

Examiner, Art Unit 2625

/David K Moore/

Supervisory Patent Examiner, Art Unit 2625